

Regular meeting of the City Council, Austin, Texas, July 20th 1908 ;

Hon F M Maddox, Mayor, Presiding ; Roll called :

Present Aldermen Armstrong, Crooker, Cuneo, Haynes, Meredith, Moore, Petri, Scott, Smith & Wilhelm 10

Absent Aldermen Miller, Moreland, Redd & Sutor .

On motion the minutes were approved as recorded by the Clerk, without reading .

Alderman Moore moved a call of the Council, which was seconded and the Marshal directed to bring in the absentees.

Aldermen Miller & Sutor entered the Council and answered to their names.

On motion of Alderman Smith the call was suspended .

The Mayor laid before the Council the following petitions, viz:

*Petitions  
of Staples & Rouden  
for pound fees*

T J Staples & J Rouden, asking remission of Pound fees, which were read and on motion referred to the Committee on Claims & Accounts.

F M Pannell for permission to stretch a Streamer across Congress Avenue at intersection of Sixth street, which was on motion refused .

*F M Pannell  
to put up streamer  
at base of street*

By Alderman Moore petition & proposition of F Ilse in regard to Street, which was read and on motion referred to the Street Committee, the Engineer and the City Attorney, with instructions to report at the next regular meeting of the Council .

Aldermen Moreland & Redd entered the Council Chamber .

The Mayor laid before the Council an application from R Platt for building permit, which was granted by the following vote :

*R Platt  
building  
permit*

Yeas Aldermen Armstrong, Crooker, Haynes, Meredith, Miller, Moore, Petri, Redd, Scott & Sutor Smith 11

Nays Aldermen Cuneo, Moreland & Wilhelm 3

The Mayor laid before the Council an application from Deen & Walling for permission to erect a Stairway on the corner of East 5th & San Jacinto streets, which was granted .

*Deen & Walling  
to erect stairs*

Reports of City Officers :

The Mayor laid before the Council the report of the Treasurer for the month of June 1908, which was referred to the Finance Committee.

*Reports City Officers*

Reports of Standing Committees :

Alderman Haynes for the Finance Committee presented the following report.

*Reports Standing  
Committees*

Austin, Texas, July 20th 1908 ;

To the Hon F M Maddox, Mayor, and Board of Aldermen of the City of Austin: Gentlemen :

Your Committee on Finance beg leave to report that we have carefully checked statement of the City Assessor & Collector herewith submitted, showing all delinquent taxes for the year 1904, in hands of the City Attorney for suit (together with Insolvent lists for said year) and request that the City Clerk be instructed to credit the Assessor & Collector with amounts shown on said statement, to wit:

General Revenue	\$ 3567,03
School Tax	1189,17
Interest & Sinking fund	2140,13

Committee on Finance .

H L Haynes  
J M Meredith  
L M Crooker

*Finance  
Credit to Assessor  
& Collector*

On motion the report was adopted .

Sanitary proposition  
for street sprinkler

Alderman Sutor for the Sanitary Committee ,presented a proposition from Wm Payson for a street Sprinkler,which was read and on motion referred to the Sanitary and Finance Committees and the City Attorney .

Fire Ord and  
building permit

Alderman Smith for the Fire Committee to whom was referred the petition of G C Orand for building permit presented a report recommending that the petition be not granted and the report was adopted .

Unfinished business

Unfinished business s:

\$3000 paving W 6th

The Mayor laid before the Council an ordinance appropriating the sum of \$ 3000,00 for the purpose paving west sixth street ,The ordinance was read the second time and on motion was laid over until contract is made .

917 1/2 Act Otto  
Schmidt

The Mayor laid before the Council an ordinance appropriating the sum of \$17,71 for the purpose of paying heirs of Otto Schmidt for flagging,.The ordinance was read the second time and passed under suspension of the rule by the following vote:  
Yeas Aldermen Armstrong,Crooker,Cunee, Haynes,Meredith,Miller,Moore,Moreland,Patri, Redd,Scott,Smith,Sutor & Wilhelm 14  
Nays none .

President Haynes in the chair .

The Chairman laid before the Council the following veto message of the Mayor .

Austin,Texas,July 18,1908 .

Hon City CouncilmAustin,Texas.

Gentlemen:

Mayors Veto

I respectfully beg to return disapproved ,your ordinance appropriating the sum of \$ 30,00 for the purpose of paying for extra street work done by the Sanitary Department .My reasons are as follows :

First: The budgeted amount for sanitary work for the year 1908 carries only a sufficient sum for the monthly payment of the regular employees .

Second: The employees to whom it is proposed to pay this extra allowance,are regular employees and their compensation was fixed by your body before they received their appointment,as is required by section 120,City Charter.

Third: Section 59,page 31.,City Charter,expressly prohibits the increase of the compensation of the City's agents,during the time which they are employed.

Section 121,page 52,makes it unlawful to appropriate out of the general fund so as to reduce the general fund below the amount estimated in budget . .

The condition of the general fund is now such that we must use the greatest economy,or we cannot meet our budget.

I,therefore,for the reasons above given must disapprove of your ordinance .

F M Maddox,Mayor .

Alderman Crooker moved to reconsider the vote by which the ordinance was passed which motion prevailed .Alderman Smith moved that the ordinance do now pass notwithstanding the Mayors objections,which motion was lost by the following vote :

Yeas Aldermen Armstrong,Cunee,Scott,Smith,Sutor & Wilhelm 5  
Nays Aldermen Crooker,Haynes,Meredith,Miller ,Moore,Moreland,Patri,Redd 8

New business s:

Alderman Haynes offered the following resolution.

Whereas,the report of Hon Milton Morris ,Auditor showing result of the auditing of the annual report of the Hon Water,Light and Power Commission,for the year 1907, was referred to the Finance Committee and the Water & Light Committee of the Council,

Report of Auditor  
referred to  
Finance Committee

where the same now exists. Therefore, be it resolved that the same be referred to the Hon Water, Light and Power Commission .

Alderman Moreland moved to amend the resolution by adding "and that they be requested to report at the next regular meeting of the Council", which amendment was adopted, and the resolution as amended was then adopted .

The Mayor laid before the Council the report of the Paving Committee, which was presented at the last meeting of the Council ,in which they recommend the acceptance of the bid of Ockander Bros for paving West 5th street .The motion was made to adopt the report ,which motion was lost by the following vote :

Yeas Aldermen Crooker, Meredith, Moore, Scott & Smith 5  
Nays Aldermen Armstrong, Cuneo, Haynes, Miller, Moreland Petri, Redd Sutor & Wilhelm 9

Alderman Petri moved that the Clerk be instructed to return to the different bidders their certified checks filed with their bids, which motion prevailed

Alderman Scott presented a letter to be used by the Clerk in returning the Check of Ockander Bros ,and the Clerk was instructed to use the said letter for that purpose .

By Alderman Moore an ordinance appropriating the sum of \$ 130,50 for the purpose of constructing a water system at the City Hall.

The ordinance was read the first time and past under suspension of the rules by the following vote :

Yeas Aldermen Armstrong, Crooker, Cuneo, Haynes, Meredith, Miller, Moore Moreland, Petri, Redd, Scott, Smith, Sutor & Wilhelm 14  
Nays none .

By Alderman Miller an ordinance appropriating the sum of \$ 20,00 for the purpose of paying salary of Bridge Keeper pro tem, during the absence of the Bridge Keeper on leave of absence. The ordinance was read the first time and passed under suspension of the rules by the following vote :

Yeas Aldermen Armstrong, Crooker, Cuneo, Haynes, Meredith, Miller, Moore, Moreland, Petri, Redd, Scott, Smith, Sutor & Wilhelm 14  
Nays none

Alderman Cuneo moved that the regular order of business be suspended and that he be allowed to present a petition, which motion prevailed .Alderman Cuneo presented to the Council a petition from Dr H B Granberry asking an exchange of certain real estate with West Austin Hose Company .The petition was read and on motion was referred to the Fire Committee, Mayor and City Attorney ,with instructions to report at the next meeting of the Council .

By Alderman Moore an ordinance providing for the appointment of a City Hall Committee as a standing Committee of the Council and prescribing their powers and duties. The ordinance was read the first time and passed under suspension of the rules by the following vote :

Yeas Aldermen Armstrong, Crooker, Cuneo, Haynes, Meredith, Miller, Moore, Moreland, Petri, Redd, Scott, Smith, Sutor & Wilhelm 14  
Nays none .

Report Paving  
Com on paving  
West 5th

City to return Certified  
Checks

Water system  
City Hall

Pay Bridge Keeper  
pro tem

Pet W Granberry to  
exchange  
land

Creating standing  
City Hall  
Committee

*John A. Fineman  
obstructions in  
Colorado River*

Alderman Scott offered the following resolution which was read and adopted.  
Whereas serious damage and great inconvenience is caused to boatmen by the obstruction of piles and other timbers now in the Colorado River, just west of the I & G N Ry Co's bridge, and, whereas said piles and obstructions were placed in the bed of the Colorado River by the International and Great Northern Railway Company, or its Contractors in the building of the new bridge at that point,.

Therefore be it resolved by the City Council of the City of Austin, Texas, :  
That the City Attorney, and the Street Committee are hereby authorized and directed to communicate with the proper representatives of the said International and Great Northern Railway Co and urgently request that all said dangerous obstructions be removed at as early a day as possible .

*City Attorney, to  
institute suits for  
uncollected taxes*

Alderman Haynes offered the following resolution, which was read and adopted .  
Whereas it has come to the knowledge of the City Council of the City of Austin that certain persons owning property within the City of Austin are now indebted to the City of Austin for certain sum or sums of money for taxes for the years 1906 and 1907 , and

whereas no suits have been ordered brought by the City Council of the City of Austin for the years 1906 and 1907 ,

Now, therefore, be it resolved that the City Attorney of the City of Austin be and he is hereby instructed to as soon as possible, institute suits against each and all of said delinquents for the amounts due by them to the City of Austin .

*City Attorney to institute  
suits against  
Gas Company*

Alderman Haynes offered the following resolution which was read and adopted;  
Whereas, it has come to the knowledge of the City Council of the City of Austin that the Austin Gas Company, a corporation of the City of Austin, is now and has for a number of years been using personal property belonging to the City of Austin and which was formerly owned by a defunct Gas Company, known as the "Water Gas Company " , and which said Gas Company had franchise rights, pipes, etc. in the City of Austin, and which said last named company has defaulted in the payment of taxes to the City of Austin and has permitted their property to be sold to the City of Austin.

Now, therefore, be it resolved by the City Council of the City of Austin that the City Attorney of the City of Austin be and he is hereby instructed to investigate and at once file suit against said Austin Gas company for the conversion, use and application of the personal property of the said " Water Gas Company " owned by the City of Austin.

*By agreement*

Alderman Haynes offered the following resolution which was read and adopted .  
Be it resolved by the City Council of the City of Austin : That the City Treasurer of the City of Austin, be and he is hereby directed to transfer from the Permanent Paving fund to the City Hill fund the sum of \$ 2000.00, provided however that this sum be repaid out of the collection of the 1908 taxes, unless the same is needed by the Permanent Paving Committee at an earlier date .

Alderman Moore offered the following resolution.  
Whereas on July 9th the City Council of the City of Austin ordered transferred from the Permanent Paving fund to the General fund the sum of One thousand dollars and whereas it was verbally agreed that said sum would be paid back out of the collection of taxes for 1908 or sooner if needed by Permanent fund Committee , but but no record was kept of such agreement. Now Therefore, be it resolved by the City

Council of the City of Austin that the sum of One thousand dollars be transferred from the General fund to the Permanent Paving fund out of the first collection of taxes for General revenue for the year 1908. Alderman Haynes moved to amend the resolution by striking out in the third from the last line the word "first", which motion prevailed, and the resolution as amended was then passed.

Alderman Cuneo offered the following resolution which was read and on motion referred to the Water & Light Commission.

*Water & Light Commission requested to put in Arc Light*

Resolved that the Water & Light Commission be requested to place an Arc light on the corner of sixth street and Congress Avenue, and that the Arc light at the south end of the Colorado bridge be put into operation.

Alderman Scott presented the following form of letter that the City Clerk should use in returning the certified check of Ockander Bros;

Ockander Bros  
 Genl Contractors,  
 Waco, Texas.

Gentlemen:

By direction of the Hon City Council of the City of Austin, I herewith return to you your certified check for \$ 1000.00 which accompanied your bid for certain paving on w 5th street in this City, which bids were opened on June 15th 1908. The Paving Committee recommended your bid but on account of the remote time at which the work was to be done all checks have been ordered returned and no contract be entered into at this time.

Respectfully

Alderman Cuneo presented the following communication, which was read.  
 Austin, Texas, July 20th 1908

To the Hon Mayor and Board of Aldermen of the City of Austin.

Gentlemen:

At a meeting of the Board of Health of the City of Austin on July 15th 1908 Dr Swift was unanimously elected City Veterinarian. We respectfully ask you to confirm the appointment. We are aware that he receives no fees for his services, but we are anxious to have the endorsement of the City Council in the matter.

Very respectfully

W J Matthews M D President  
 J T Bennett M D Secretary.

Alderman Cuneo moved to confirm the appointment. Alderman Reid moved an amendment, which the Mayor declared out of order. Alderman Reid appealed from the ruling of the Mayor, The ruling of the Mayor was sustained by the following vote:

Yeas Aldermen Armstrong, Crooker, Cuneo, Haynes, Meredith, Moore, Moreland, Petri, Scott, Suter & Wilhelm 11

Nays Aldermen Miller, Redd & Smith 3

The vote was then taken on the motion to confirm, and resulted as follows

*Dr Swift Confirmed as Veterinary*

Yeas Aldermen Crooker, Curran, Haynes, McFarland, Petri, Smith & Sator and the Mayor 5

Nays Aldermen Armstrong, Meredith, Miller, Moore, Reed, Scott & Williams 7

The Mayor reported that he had permitted a fine assessed against Wallace Dwyer in the Recorder's Court and asked the Council to confirm his action. On motion the action of the Mayor was confirmed.

On motion the Council adjourned

*J. J. Johnson*  
City Clerk.

Alderman Petri for the Claims & Accounts Committee to whom was referred the petition of Henry Hues for correction of assessment, presented a report recommending that the petition be granted and the Assessor & Collector authorized to take credit for the difference. The Report was adopted.

*Fine Wallace Dwyer  
remitted*